

JUN 27 2012

COMMONWEALTH OF MASSACHUSETTS

MULTI-BOARD

SUFFOLK COUNTY

BOARD OF REGISTRATION OF
NURSING HOME ADMINISTRATORS

_____)
 IN THE MATTER OF _____)
 Christopher C. Sheehan _____)
 License No. NH3493 _____)
 License Expiration Date 6/30/12 _____)

DOCKET NO. NHA-2011-003

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration of Nursing Home Administrators ("Board") and Christopher C. Sheehan ("Licensee"), a Nursing Home Administrator licensed by the Board ("Administrator" or "NHA"), License No. NH3493, do hereby stipulate and agree that the information in this Consent Agreement for Reprimand ("Consent Agreement" or "Agreement") shall be entered into and become a permanent part of the Licensee's records maintained by the Board. For purposes of this Agreement, the word "license" shall mean a license to practice as a Nursing Home Administrator in Massachusetts and any right to renew such license.

The Board and the Licensee agree to enter into this Consent Agreement to resolve the complaint identified as Docket No. NHA-2011-003 ("the Complaint") without resort to a formal adjudication of such Complaint. The Licensee acknowledges the truth of the allegations contained in the Complaint, which are as follows:

1. The Licensee is the holder of License No. NH3493, which the Board issued to him on or about November 13, 2002.
2. At all times relevant to the allegations of the Complaint, the Licensee was the owner and Nursing Home Administrator of Stonehedge Rehabilitation and Skilled Care Center ("Stonehedge" or "facility") located in West Roxbury, Massachusetts.
3. On or about February 11, 2008, in accordance with the requirements of M.G.L. c. 112, § 110, and Board regulations at 245 CMR 2.07, a candidate for licensure as a Nursing Home Administrator by the Board, identified in this Agreement as "E G-P", asked the Board to approve her participation in an Administrator-in-Training ("AIT") program at Stonehedge under the preceptorship of the Licensee.
4. On or about March 20, 2008, the Board notified the Licensee of its approval of a three-month AIT program for E G-P for which he was to be preceptor. E G-P's preceptorship under the Licensee was to begin on or after February 21, 2008, and to continue for three months, 520 hours. The Board informed the Licensee of his responsibility to submit to

the Board detailed progress reports at the midpoint and completion of E G-P's AIT program. The Board further informed the Licensee of his responsibility, after E G-P's completion of the AIT program, to provide to her a signed affidavit attesting to her successful completion of the AIT program for submission to the Board.

5. On or about May 28, 2008, the Licensee submitted to the Board a Midpoint Report on AIT covering the period from February 21, 2008 to April 3, 2008. On or about May 28, 2008, the Licensee submitted to the Board a Final Report on AIT stating that, as of that date, E G-P had completed a total of 522 hours for her AIT program.
6. On August 25, 2008, the Board received the Administrator Affidavit regarding E G-P's "internship" training signed by the Licensee. The Affidavit stated that the E G-P had trained at Stonehedge from February 21, 2008, to May 27, 2008, for a total of 560 hours.
7. Having completed her AIT program, E G-P applied to the Board for licensure as a Nursing Home Administrator. The Board approved her to sit for the national licensing examination, which she passed on or about October 16, 2008. The Board issued a Nursing Home Administrator license to E G-P on November 24, 2008.
8. On or about December 2, 2009, E G-P applied to the New York State Board of Examiners of Nursing Home Administrators ("New York State Board") for a Nursing Home Administrator license. Documentation that the New York State Board required as part of its licensure application included a Verification of Work Experience form ("Verification form") documenting the applicant's "qualifying work experience." E G-P completed the Verification form and submitted it to the Licensee, who reviewed and signed the form. The Verification form contained the following information and requests:
 - (a) "[E G-P], [date of birth], has applied for licensure as a nursing home administrator in New York State. Ms. [P] has informed us that she served as Administrator at Medford/Sheehan Health Group from 01/08/08 to 07/03/09. To assist this office in evaluating the work experience of the applicant, we request than an appropriate authority of the health care facility (e.g., Director of Personnel, Executive Staff holding position above the applicant's, or Officer of the Board of Directors), sign and return this form, with the requested documentation, directly to the address shown at the bottom of page 2... Please specify the period of the applicant's employment in the specified position(s)." The following information was entered on the Verification form in response to this request: "Administrator - Start Date: January 8, 2008 - End date: July 3, 2009."
 - (b) The Verification form also asked, "Please indicate whether the applicant was or is recognized by the authorizing governmental agency as the Administrator-of-Record (AOR) of this skilled nursing facility during the period of time indicated above." The box "AOR" was checked; the box "NOT AOR" was not checked.
 - (c) The Verification form also asked for "any comments" or "additional information that would be helpful to the Board in its review of this licensure application." In

the space in which to provide any such comments or additional information the following was written: "[E P] performed the job description, roles, and functions of administrator at the Stonehedge Rehabilitation and Skilled Care Center from the time of hire, Jan. 8, 2008 to time of separation from the facility in July 3, 2009. She was administrator on facility records Jan '08-Oct '08, during at which time she also completed her AIT program. She took and passed the PES/NAB NHA Licensure Examination in Oct '08 and assumed the Administrator of State Record thereafter. [E] has outstanding leadership, organizational, team-building, problem solving, and customer service skills. Her Ph.D. in Health Care Administration and over 15 years of leadership experience as SNF Director of Nursing, hospital Administrative Clinical Coordinator, and Administrator of Nursing Practice have greatly contributed to her success as an Administrator. Under [E's] supervision, the facility experienced significant financial growth, improved quality of care and services, and improved customer satisfaction." The form was signed under the pains and penalties of perjury by the Licensee on December 30, 2009. Above "Title/Position" the Licensee wrote "Owner."

- (d) The Verification form requested submission of a copy of the applicant's job description(s) for each position/title in which the applicant served with the dates of any changes in the applicant's position, title, or significant job responsibilities specified. The Licensee submitted a job description for the position of "Administrator" at Stonehedge with the Verification form. The information provided on the job description provided by the Licensee included the following: Under "Distinguishing Characteristics" for the position: "The primary purpose of this position is to direct the day-to-day functions of the facility in accordance with the current Federal, State and local standards, guidelines and regulations that govern a Long-Term Care Facility to assure that the highest degree of quality care can be provided to the residents at all times." The Administrator was "Responsible To" the "Chief Executive Officer." The Administrator's "Qualifications" included "Licenses: Must possess a current unencumbered Nursing Home Administrator license in Massachusetts." "Positions Supervised" by the Administrator were "Department Heads; Consultant Vendors."

- (e) The Verification form requested submission of a copy of the facility's organizational chart in connection with the applicant's job description showing the applicant's name and title entered in the appropriate section of the chart. The organizational chart for Stonehedge submitted by the Licensee to the New York State Board identified the Licensee as the "Owner" and E G-P as "Administrator."

- 9. The Licensee has asserted that E G-P had already completed the New York State Verification form before she provided it to him; that E G-P "required the form to be signed and returned to her very quickly"; that "due to the urgency indicated by Ms. [P] in needing the form signed, [he] mistakenly assumed Ms. [P] had put the correct information on the form; and that "in fact, at the time [he] signed the form, [he] believed the information was correct." The Licensee has further asserted that he

"mistakenly relied on [his] memory of dates and did not pull actual records in order to verify the precise time periods."

10. Notwithstanding the Licensee's assertions contained in Paragraph 9, above, the Licensee acknowledges that the information that he provided to the New York State Board in connection with E G-P's application for licensure as a Nursing Home Administrator as described in Paragraphs 10(a), (b), (c), (d) and (e), above, which indicates that E G-P was a licensed Administrator prior to her licensure as such by the Board on November 24, 2008, and served as the Administrator of Record at Stonehedge from January 8, 2008 to July 3, 2009, was neither true nor correct.
11. Notwithstanding the Licensee's assertions contained in Paragraph 9, above, the Licensee acknowledges that his failure to take all necessary and appropriate steps to ensure the truth and correctness of the information that he provided to the New York State Board in connection with its request for license applicant information, upon which he knew, or should have known, that the New York State Board would rely in making a determination as to an applicant's eligibility for licensure, constitutes conduct that undermines the public confidence in the integrity of the profession warranting disciplinary action by the Board. *See Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982) (boards have authority to protect image of profession and discipline licensees for conduct that undermines public's confidence in integrity of profession, as reasonably related to promotion of public health, welfare, and safety).
11. In full resolution of the Complaint, the Licensee agrees to enter into this CONSENT AGREEMENT FOR REPRIMAND of his license to practice as a Nursing Home Administrator, License No. NH3493.
12. In consideration of the Licensee's execution of this Consent Agreement and compliance with its terms, the Board agrees not to pursue any additional action before itself based upon the allegations set forth in Paragraphs 1 to 10, above.
13. The Licensee acknowledges that his decision to enter into this Consent Agreement is a final act and is not subject to reconsideration or judicial review.
14. The Licensee states that he has used legal counsel in connection with his decision to enter into this Consent Agreement or, if he has not used legal counsel, that the decision not to do so has been one taken of his own free will.
15. The Licensee understands that, after its Effective Date, this Consent Agreement constitutes a "public record" within the meaning of M.G.L. c. 4, § 7 subject to public disclosure and that the Board may forward a copy of this Agreement to other licensing boards or law enforcement entities, or both, as well as to any other individual or entity as required by law.
16. The Licensee certifies that he has read this document entitled "Consent Agreement for Reprimand." He understands that he has a right to formal adjudication concerning the

allegations against him and that during said adjudication he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further states that he understands that in executing this document entitled "Consent Agreement for Reprimand" he is knowingly and voluntarily waiving his right to formal adjudication and to all of the related rights listed above.

BY THE LICENSEE:

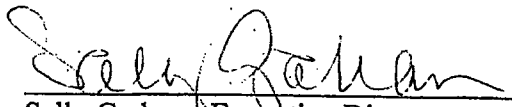


Christopher C. Sheehan, Licensee

Date

6/20/12

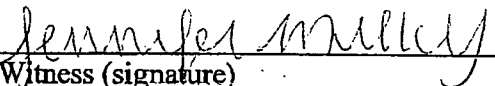
BY THE BOARD:



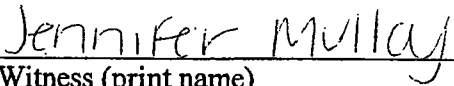
Sally Graham, Executive Director

Date (Effective Date)

6/27/12



Witness (signature)



Witness (print name)

FOR BOARD USE:

An original copy of this Consent Agreement for Reprimand signed by the Board was sent to

Licensee ^{5 atty} on 6/28/12 by Certified Mail No. 7010 2780 0001 8675 9036

by JHS.